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SENATE

} REPORT
No. 756

EMMA BURR

SEPTEMBER 17 (legislative day, SEPTEMBER 13), 1951.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 582]

The Committee on the Judiciary, to which was referred the bill (S. 582) for the relief of Emma Burr, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

AMENDMENT

Strike all after the enacting clause and insert in lieu thereof the following:

That notwithstanding the provisions of the eleventh category, section 3 of the Immigration Act of 1917, as amended, Emma Burr may be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of the immigration laws.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to waive the excluding provision of existing law relating to the commission of a crime involving moral turpitude in behalf of Emma Burr so as to permit her to enter the United States.

STATEMENT OF FACTS

The beneficiary of the bill is a 50-year-old native and citizen of Germany presently residing in the French zone of Germany. Her mother and sister reside in the United States and the sister guarantees the support of the beneficiary of the bill if allowed to enter the United States. The record discloses that on January 11, 1946, the beneficiary of the bill was convicted of the crime of accepting stolen goods and

received a sentence of a small fine or 10 days imprisonment. Without the benefit of the waiver granted by this bill, the beneficiary of the bill will be unable to enter the United States to join her aged mother and sister.

A letter dated April 10, 1951, to the chairman of the Senate Committee on the Judiciary from the Deputy Attorney General with reference to the case reads as follows:

APRIL 10, 1951.

HON. PAT McCARRAN,
*Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.*

MY DEAR SENATOR: This is in response to your request for the views of the Department of Justice relative to the bill (S. 582) for the relief of Emma Burr, an alien.

The bill would provide that upon her application therefor, an immigration visa may be issued, and admission for permanent residence granted to Emma Burr, if she is otherwise admissible under the immigration laws. It would also direct the Secretary of State, upon the issuance of such visa, to instruct the quota-control officer to deduct one number from the nonpreference category of the appropriate immigration quota for the first year such quota is available.

The files of the Immigration and Naturalization Service of this Department disclose that the alien is a citizen of Germany, having been born on December 16, 1900, in Bellheim, Rhineland, Germany. She is presently residing in Ludwigshafen a/Rhein, Karl Klemmstrasse 48, French Zone, Germany. According to statements of the alien's sister, Mrs. Maria Vallas, the beneficiary of the instant bill was previously married and divorced and does domestic work when she is able to find employment. Most of her support is furnished by Mrs. Vallas.

Mrs. Vallas further stated that if her sister is allowed to enter the United States, she will furnish full transportation and will be personally responsible for her sister's maintenance. Mrs. Vallas stated that she and her husband own property and securities valued at \$50,000, that they are both naturalized citizens of the United States, and that they have two children. She also stated that the alien is not in good health, has no personal means of support, and has no living relatives in Germany.

Since the alien is chargeable to the quota for Germany which at present is oversubscribed an immigration visa may not be immediately obtained but it appears that if she registers for an immigration visa, such visa may be available within a relatively short period of time. The record, however, presents no facts which would warrant the enactment of special legislation in her behalf.

Accordingly, the Department of Justice is unable to recommend enactment of the measure.

Yours sincerely,

PEYTON FORD,
Deputy Attorney General.

Senator Edwin C. Johnson, the author of the bill, has submitted the following additional information in support of the bill:

UNITED STATES SENATE,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
July 18, 1951.

HON. PAT McCARRAN,
*Chairman, Senate Judiciary Committee,
Washington, D. C.*

DEAR SENATOR McCARRAN: Confirming telephone conversation with Mr. Massey of the Subcommittee on Immigration, I am writing to ask you to reconsider my private bill, S. 582, for the relief of Miss Emma Burr, introduced last January. A similar bill was introduced by me in the Eighty-first Congress.

Miss Burr's aged mother lives in Denver, as does her sister. Both are in very poor health. Ever since the war was over they have been hoping that Emma Burr would be able to obtain a visa and join her mother and sister. These people are well-to-do, respected residents of Denver, as you will note from the attached statement by Reverend Diacandrew of the Greek Orthodox Congregation, and also the letter from Mrs. Eugene Dines, a well-known society leader of Denver. I also enclose a statement by Dr. Winthrop E. Blanchard of Denver, who attends

both the mother and sister, Mrs. Emma Burr Dolde and Mrs. Mary Vallos, respectively.

In this connection I enclose a letter addressed to me by the American consul in Frankfort, Germany; also a photostatic copy of the police certificate of good conduct signed and sealed "for the chief of police" under date of September 2, 1950. Under the circumstances, it is difficult to know upon what the American consul based his charge of "moral turpitude"—for having accepted stolen goods for which a Mrs. Emma Burr was convicted January 11, 1946. I have asked the American consul for an explanation. Meantime, there is no relief for Miss Burr except via private bill.

I know of your great sympathy for these people, and believe you will agree with me that if the charge is true and is no worse than appears from the consul's letter, Miss Burr should be allowed to join her aged mother and her sister. I am told that Miss Burr even attempted suicide when she found she would not get a visa. These people have had to suffer so much that even if the charge is true I can readily understand why it was necessary for some of them to steal or to accept stolen goods in order to eke out a bare existence during the war and in the days immediately following. You will note the conviction took place January 11, 1946, and the sentence was comparatively light, so it strikes me that the value of the goods was not great, and upon investigation it might be found that the "stolen goods" was food or something equally necessary to a bare existence.

I will appreciate your most earnest reconsideration of my bill in behalf of Miss Burr because of the hardship not only to herself but to her mother who is 79 years of age and has had a second stroke of paralysis. She lives only for the moment she will see her daughter again.

I should like to have this bill amended, if possible, to place Miss Burr's name back on the quota waiting list as of the date she was refused a visa in September 1950; otherwise it would be years before she could emigrate.

Miss Burr applied in September 1948, the very month that registration of Germans was permitted; her registration, however, was not recorded until October 13, 1948, because of the great thousands of applications. In June 1949 the American consul at Frankfort wrote me that "it is quite possible she may receive consideration during the present calendar year." Then in March 1950 he said he was unable to tell when she would get her visa, that the last quota numbers had been allotted to those registering prior to September 29, 1948.

This is definitely a hardship case, and I am hopeful that your committee can report it out favorably.

Thank you for your courtesy and attention.

Sincerely yours,

E. C. JOHNSON.

THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA,
AMERICAN CONSULATE GENERAL,
Frankfort on the Main, Germany, May 21, 1951.

Hon. EDWIN C. JOHNSON,
United States Senate.

MY DEAR SENATOR JOHNSON: I refer to your letter of April 28, 1951, relative to your further interest in the immigration visa application of Mrs. Emma Burr, residing at 48 Karl-Clemmstrasse, Ludwigshafen-Friesenheim, Germany.

An examination of the visa records of the consulate general reveals that Mrs. Burr is registered on the waiting list of intending immigrants under the German quota in the nonpreference category as of October 13, 1948. Her turn on the waiting list was reached and on July 26, 1950, she was requested to furnish this office with the personal documentation required by law, including an affidavit of support. At that time a routine security investigation was initiated in her behalf.

This investigation disclosed the fact that Mrs. Burr had been convicted of a crime involving moral turpitude. Specifically, she was convicted on January 11, 1946, by the Amtsgericht (district court), Ludwigshafen, of accepting stolen goods in violation of paragraph 246 of the German Penal Code and sentenced to 50 Reichsmarks' fine or 10 days' imprisonment. Since accepting stolen goods has been held to constitute an offense involving moral turpitude within the meaning of section 3 of the Immigration Act of February 5, 1917, as amended, the consulate general had no alternative but to refuse an immigration visa to Mrs. Burr on September 12, 1950.

I wish to assure you that in reaching this decision, the consulate general accorded Mrs. Burr every appropriate consideration consistent with the existing immigration laws and regulations.

Sincerely yours,

BYRON B. SNYDER, *American Consul.*

DENVER, COLO., *July 11, 1951.*

Senator E. C. JOHNSON,
United States Senate, Washington, D. C.

MY DEAR SENATOR: This is to certify that I have taken care of Mrs. Mary Vallos for the last 30 years. In the last few years Mrs. Mary Vallos' health has been failing due to the inadvisability to perform the necessary surgery because of a serious cardiac condition. Due to her ill health she is unable to care for her mother who is over 76 years of age and has suffered a stroke. Mrs. Vallos' mother needs constant care at this time. The worry about her sister in Germany and her mother is tearing the last reserves from this little woman.

Financially this little family is well able to care for the sister in Germany. They are well able and willing to take her into their own home. For all the years I have known them they are not only good patients, reliable upstanding people in their community, but true friends.

Sincerely yours,

WINTHROP E. BLANCHARD, M. D.

The bill has been amended to avoid the creation of a precedent for the issuance of visas by legislative enactment in individual cases. As amended, the bill merely grants a waiver of an excludable ground, thereby placing the beneficiary of the bill in the same category as other immigrants applying for immigration visas to enter the United States.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 582), as amended, should be enacted.

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